

REMARKS

In the Final Office Action mailed March 4, 2010, the Examiner:

(a) rejected claims 54-57, 59-61, 63, and 66 under 35 U.S.C. § 102(e) based on WO 02/094545 to Marangoni ("Marangoni");

(b) rejected claims 34-42, 45-53, 64, and 65 under 35 U.S.C. § 103(a) based on Marangoni; and

(c) rejected claims 43, 44, 57, and 58 under 35 U.S.C. § 103(a) based on Marangoni and at least one of U.S. Patent Application Publication No. 2001/0042586 to Caretta et al. ("Caretta") and U.S. Patent Application Publication No. 2006/0096696 to Oku et al. ("Oku").

By this reply, Applicant proposes to amend claims 34, 36, 40, 42, 45-47, 49, 54, 56, 63, and 66; cancel claims 35 and 60; and adds new claims 67 and 68. Accordingly, claims 34, 36-59, 61, and 63-68 will be pending in this application upon entry of this reply. No new matter is introduced by this reply.

I. Rejection Under 35 U.S.C. § 102(e) Based on Marangoni

On page 2 of the Office Action, claims 54-57, 59-61, 63, and 66 were rejected under 35 U.S.C. § 102(e) based on Marangoni. MPEP § 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Marangoni fails to disclose or suggest each and every element in the claims, whether expressly or inherently, and thus, Marangoni does not anticipate the claims.

Of claims 54-57, 59-61, 63, and 66, claim 54 is independent. By this reply, Applicant amends independent claim 54 to recite, *inter alia*, "a transfer member . . . wherein the transfer member moves the belt structure from the auxiliary drum to the carcass structure, wherein the at least one unit for applying the tread band comprises at

least one delivery member, wherein the at least one delivery member lays down at least one continuous strip element . . . around the carcass structure . . . wherein each actuating assembly is arranged to cause translation of its respective primary drum towards said at least one delivery member starting from a position at which its respective primary drum interacts with the transfer member.” Marangoni fails to disclose or suggest at least these features of amended independent claim 54.

Marangoni teaches a tire manufacturing system for manufacturing a tire 1. Embodiments of the tire manufacturing system are shown in FIGS. 3, 8, and 10 of Marangoni. Marangoni teaches that a carcass 2a is formed on a building drum 17, and at the same time, a tread belt 12 is formed on an auxiliary drum 20. See Marangoni at page 8, lines 25 and 26; and page 9, lines 13 and 14; and FIGS. 3, 8, and 10. Marangoni teaches that the building drum 17 is transferred to an assembly and unloading station 39, where a carrier ring 21 that has removed the tread belt 12 off of the auxiliary drum 20 transfers the tread belt 12 onto the carcass 2a. See id. at page 8, lines 3-6; page 9, lines 19-22; and FIGS. 3, 8, and 10. Marangoni teaches that the tire 1 is completed by feeding a tread 15 onto an outer surface of the tread belt 12 from a work station 40. See id. at page 8, lines 15-18; and page 9, line 23; and FIGS. 3, 8, and 10.

However, Marangoni does not teach that the building drum 17 is moved towards the work station 40 starting from a position at which the building drum 17 interacts with the carrier ring 21. Rather, Marangoni teaches that the building drum 17 interacts with the carrier ring 21 at the assembly and unloading station 39, and that the building drum 17 remains in the assembly and unloading station 39 as it receives the tread 15

from the work station 40. See Marangoni at page 9, lines 19-23; and FIGS. 3, 8, and 10. Thus, because the position at which the building drum 17 interacts with the carrier ring 12 is the same position at which the work station 40 is located (i.e., in the assembly and unloading station 39), Marangoni does not teach translation of the building drum 17 towards the work station 40 starting from the position at which the building drum 17 interacts with the carrier ring 12. As such, Marangoni fails to disclose or suggest the above-recited features of amended independent claim 54, and in particular, “wherein each actuating assembly is arranged to cause translation of its respective primary drum towards said at least one delivery member starting from a position at which its respective primary drum interacts with the transfer member.” For at least this reason, amended independent claim 54 is allowable over Marangoni.

Claims 55-57, 59, 61, 63, and 66 are allowable at least due to their dependence from amended independent claim 54. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) based on Marangoni.

II. Rejection Under 35 U.S.C. § 103(a) Based on Marangoni

On page 3 of the Office Action, claims 34-42, 45-53, 64, and 65 were rejected under 35 U.S.C. § 103(a) based on Marangoni. Applicant respectfully requests withdrawal of this rejection. Marangoni fails to establish the required *prima facie* case of obviousness needed to support the rejection.

Of claims 34-42, 45-53, 64, and 65, claim 34 is independent. By this reply, Applicant amends independent claim 34 to recite, *inter alia*, “picking up the belt structure from the auxiliary drum by a transfer member . . . wherein applying the tread band is carried out by winding at least one continuous strip element . . . around the belt

structure, wherein the at least one continuous strip element is supplied by at least one delivery member . . . wherein the first primary drum and the second primary drum are independently movable to the at least one delivery member, each primary drum starting from a position at which the primary drum interacts with the transfer member.”

Marangoni fails to teach or suggest at least these features of amended independent claim 34.

Marangoni does not teach that the building drum 17 is movable to the work station 40 starting from a position at which the building drum 17 interacts with the carrier ring 21. Rather, Marangoni teaches that the building drum 17 interacts with the carrier ring 21 at the assembly and unloading station 39, and that the building drum remains in the assembly and unloading station 39 as it receives the tread 15 from the work station 40. See Marangoni at page 9, lines 19-23; and FIGS. 3, 8, and 10. Thus, because the position at which the building drum 17 interacts with the carrier ring 12 is the same position at which the work station 40 is located (i.e., in the assembly and unloading station 39), Marangoni does not teach that the building drum 17 is movable to the work station 40 starting from the position at which the building drum 17 interacts with the carrier ring 12. As such, Marangoni fails to disclose or suggest the above-recited features of amended independent claim 34, and in particular, “wherein the first primary drum and the second primary drum are independently movable to the at least one delivery member, each primary drum starting from a position at which the primary drum interacts with the transfer member.”

The proposed modification offered by page 4 of the Final Office Action, of disposing the carcass 2a of Marangoni on one of the building drums 17 before

completion of steps on another of the building drums 17, fails to remedy the above-noted deficiencies of Marangoni. Nor has the proposed modification been offered for such a purpose. Accordingly, a *prima facie* case of obviousness cannot be established with respect to amended independent claim 34 by modifying Marangoni in the manner proposed in the Final Office Action. The timely allowance of amended independent claim 34 therefore is respectfully requested.

Claims 35-42 and 45-53 are allowable at least due to their dependence from amended independent claim 34. Claims 64 and 65 depend from amended independent claim 54, and thus include all the elements thereof. The deficiencies of Marangoni with respect to amended independent claim 54 have already been established in preceding paragraphs. The proposed modifications of Marangoni from pages 4 and 5 of the Office Action fail to remedy the above-noted deficiencies of Marangoni. Nor have the proposed modifications been made for such a purpose. Thus, claims 64 and 65 are allowable over Marangoni for the same reasons as amended independent claim 54. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) based on Marangoni.

III. Rejection Under 35 U.S.C. § 103(a) Based on Marangoni, Caretta, and Oku

Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) based on Marangoni and at least one of Caretta and Oku. Claims 43, 44, 57, and 58 depend from one of amended independent claims 34 and 54, and thus include all the elements thereof. The deficiencies of Marangoni with respect to amended independent claims 34 and 54 have already been established in preceding paragraphs. The proposed modifications allegedly taught by Caretta and Oku fail to remedy the

above-noted deficiencies of Marangoni. Nor have the proposed modifications been made for such a purpose. Thus, claims 43, 44, 57, and 58 are allowable over Marangoni, Caretta, and Oku at least due to their dependence from amended independent claims 34 and 54.

IV. New Claims

New claims 67 and 68 depend from one of amended independent claims 34 and 54, and thus, include the features recited in the amended independent claims from which they depend. Claims 67 and 68 are therefore allowable for the reasons that amended independent claims 34 and 54 are allowable.

CONCLUSION

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 34, 36-59, 61, and 63-68 in condition for allowance.

Applicant respectfully points out that the Final Office Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art

references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

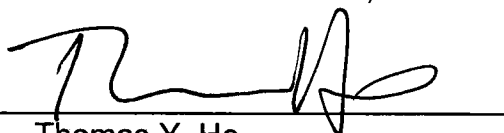
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 6, 2010

By: _____



Thomas Y. Ho
Reg. No. 61,539
(202) 408-4000